

Losing the war against terrorism

By Rep. John Conyers Jr. (D-Mich.)

Nearly four years ago, in the immediate aftermath of the Sept. 11 tragedy, many of us warned that we should not let our anger over an attack against our nation be used as an excuse to undermine our fundamental liberties. Unfortunately, today, as the USA Patriot Act comes up for renewal, it seems increasingly clear that we have failed in the task of balancing our nation's need for security and our citizens' freedoms.

While the Patriot Act may not deserve all or even most of the ridicule that is heaped against it, there is little doubt that the legislation has been repeatedly and seriously misused by the Justice Department. Consider the following:

- It has been used more than 150 times to search secretly an individual's home, with nearly 90 percent of those cases having nothing to do with terrorism.
- It was used against Brandon Mayfield, an innocent Muslim-American, to tap his phones, seize his property, copy his computer, spy on his children and take his DNA, all without his knowledge.
- It has been used to deny, on account of his political beliefs, the admission to the United States of a Swiss citizen and prominent Muslim scholar to teach at the University of Notre Dame.
- It has been used to coerce unconstitutionally an Internet service provider to divulge information about e-mail activity and Web surfing on its system and then to gag that provider from even disclosing the abuse to the public.
- Because of gag restrictions, we will never know how many times it's been used to obtain reading records from libraries and bookstores, but we do know that libraries have been solicited by the Department of Justice — voluntarily or under threat of the Patriot Act — for reader information on more than 200 occasions since Sept. 11.
- It has been used to charge, detain and prosecute a Muslim student in Idaho for posting Internet links to objectionable materials, even though the same links were available on the U.S. government's website.

Even worse than the Patriot Act has been the unilateral abuse of power by the administration. Since Sept. 11, our government has detained and verbally and physically abused thousands of immi-

grants without time limit, for unknown and unspecified reasons, and targeted tens of thousands of Arab-Americans for intensive interrogations and immigration screenings. All that serves to accomplish is to alienate Muslim- and Arab-Americans — the key groups to fighting terrorism in our own country — who see a Justice Department that has institutionalized racial and ethnic profiling, without the benefit of a single terrorism conviction.

Nor is it helpful when our government condones the torture of prisoners at home and abroad, authorizes the monitoring of mosques and religious sites without any indication of criminal activity, and detains scores of individuals as material witnesses because it does not have evidence to indict them. This makes our citizens less safe, not more safe, and undermines our role as a beacon of democracy and freedom.

If we are serious about combating terror in the 21st century, we must move beyond empty gestures and color-coded threat levels and begin to make the hard choices that protect our nation. To prevent terrorists from targeting our citizens and our cities, we need to stand up to the gun lobby and keep assault weapons out of the hands of suspected terrorists. To prevent bombings like those that devastated London last month, we need to challenge the chemical and explosives industry to help us regulate sales of black and smokeless powder. To protect our ports and other soft targets, we need to stop passing new tax cuts for the wealthy and start fully and fairly funding all of our homeland-security needs.

The lessons of Sept. 11 are that if we allow law-enforcement agencies to do their work free of political interference, if we give them adequate resources and modern technology, we can protect our citizens without intruding on our liberties. We all want to fight terrorism, but we need to fight it the right way, consistent with our Constitution, and in a manner that serves as a model for the rest of the world.

The Patriot Act — through its various sins of commission and omission — does not meet that test, and it does not warrant reauthorization without major revisions.

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